

REMARKS

Claims 1-10 were pending in the present application. By virtue of this response, claim 3 has been cancelled, claim 1 has been amended, and no new claims have been added. Accordingly, claims 1-2 and 4-10 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Concerning the Drawings

The attached drawing sheet include changes to Figures 1. In particular, in response to the Examiner's objection, Figure 1 now include the caption "Prior Art". Applicant believes this overcomes the Examiner's objection.

Rejections under 36 U.S.C. §103(a)

Claims 1 and 2 are rejected as allegedly being unpatentable over Ikeda et al. in view of Haskal et al.

With this Communication, claim 1 has been amended to include the limitations of claim 3. Claim 3 was originally dependent on claim 1. In the Office Action was objected to as being dependent on a rejected base claim but would be allowable if rewritten to include all the limitations of the base claim. Thus, amended claim 1 is believed to now be in condition for allowance.

Claim 2 depends from amended claim 1. Thus, claim 2 is also now believed to be allowable.

Claims 5-7 are rejected as allegedly being unpatentable over Ikeda et al. in view of Haskal et al. and further in view of Sanaka et al. Claims 5-7 each ultimately depend from amended claim 1. Because, as discussed above amended claim 1 is believed to be allowable, claims 5-7 are also believed to be allowable.

In the drawings

The attached drawing sheet include changes to Figures 1. In particular, in response to the Examiner's objection, Figure 1 now include the caption "Prior Art". Applicant believes this overcomes the Examiner's objection.

Attachment: Replacement sheet

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 259052003900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 15, 2004

Respectfully submitted,

By 

Douglas G. Hedder

Registration No.: 41,840
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-4203

Attachments